



Equal Rights

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Sponsors of the Equal Rights Debate

Few events recently happening in Washington have attracted more attention and comment than the Equal Rights Debate held February 19 at a special meeting of the District of Columbia Federation of Women's Clubs. In the picture, left to right, are the sponsors of the undertaking: Cornelia H. Hill, Chairman of the Division of Industry of the Federation; Mrs. Harvey W. Wiley, President of the Federation; and Mrs. Charles Thomas Watson, Chairman of its Department of Public Welfare. The Federation holds its meetings at the Young Women's Christian Association in Washington in front of which the picture was taken.

Equal Rights



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OBJECT OF THE WOMAN'S PARTY

The object of this organization shall be to secure for women complete equality with men under the law and in all human relationships.

THE LUCRETIA MOTT AMENDMENT

"Men and women shall have Equal Rights throughout the United States and every place subject to its jurisdiction."

"Congress shall have power to enforce this article by appropriate legislation."

[Senate Joint Resolution Number 1]
[House Joint Resolution Number 1]

Introduced in the Senate March 10, 1933,
by SENATOR JOHN G. TOWNSEND, Delaware.

Introduced in the House March 9, 1933,
by REPRESENTATIVE LOUIS LUDLOW, Indiana.

Dawn

"Traveler, darkness takes its flight,
For the morning seems to dawn."

IT IS refreshing today to note the unanimity of opinion on behalf of equality of opportunity between men and women manifested by all women's organizations. More than the dawn today is here, as regards this fundamental principle. All that remains is to crystallize the sentiment in permanent form, in an amendment to the Constitution of the United States, along with the other fundamental rights of normal adult citizenry.

Back in 1922, women who stood for greater rights for women were alluded to in an article in the November *Ladies' Home Journal* as wanting "Too many rights. Women leaders who would go beyond all decent limits. . . . Restless, irritated women, who ask, 'Is what we have today freedom? If this is what women fought for, it was not worth while. We want more. We want our own names in marriage.' Some of them even say, 'We want the right to be mothers without the restrictions of marriage.' Or, 'We want careers with none of the fetters which motherhood and housewifery impose.'"

But it is brought home to us every day that "new occasions teach new duties—time makes ancient good uncouth." The heretics of today are oftentimes the saints of tomorrow, the seeming traitors become patriots, after the passage of years. If one believes simply in the principle of even-handed justice, like "hewing to the line and letting the chips fall where they may," one does not concern himself or herself with arguments of expense, confusion, legal technicalities or delay; he or she simply goes straight ahead through the darkness of opposition, ridicule and doubt, steadfastly believing that the dawn will break and eventually, in this case, that each individual soul will be permitted to develop along the lines of his or her own choosing, during his or her short span on earth, bounded, of course, by the rights of his or her fellows, and also that efficiency will be counted as the sole basis for holding a job, regardless of sex.

As a matter of fact, the Woman's Party has not been the originator of its program. Its Declaration of Twenty-eight Principles, adopted on November 11, 1922, was based on the Resolutions drawn up by the courageous pioneer women of Seneca Falls in 1848. The Woman's Party has humbly striven to hold and keep bright the torch handed down to the women of this century by the leaders of the last. One clause which we often quote, coming down from 1848, is: "Resolved, That the women of this country ought to be enlightened in regard to the laws under which they live, that they may no longer publish their degradation by declaring themselves satisfied with their present position, nor their ignorance by asserting that they have all the rights they want." Simply that is what the Woman's Party has been striving to do for the last thirteen years.

The great majority of our homemakers are still at home. The last census stated that only 13.8 per cent. of our 28,405,294 homemakers are gainfully employed. That is to say, that 86.2 per cent. of our married women are at home caring for their loved ones. But while only 13 per cent. of our married women are gainfully employed, something like 25 per cent. of all adult women are gaining a livelihood by paid employment. Women are in gainful occupations to stay. Whether it is for necessity or to satisfy an inner urge for self-expression, women are as much entitled to work for gainful employment as men. Our American Declaration of Independence recited our inalienable rights as "life, liberty and the pursuit of happiness." Women are thinking of these words with a new meaning today, namely, that all adult human beings, including women, are created with equal needs and that among these are the right to work—which means life; the right to do the kind of work they wish to pursue and when they choose—which means liberty; and to do the kind of creative work for which they are fitted—which means happiness.

All women's organizations now agree that the legal discriminations against women handed down to us from the old English Common Law should be done away with. There is no dispute about that point any longer. The only dispute is how to attain that end, whether by changing hundreds of state laws, during the duration of perhaps a century, or by securing a constitutional amendment and thus placing another jewel in the crown of citizenship in the United States of America. The other point of dispute is protective legislation for women only. The arguments for and against these two points, ably brought forth by two brilliant speakers in a debate recently staged by the District of Columbia Federation of Women's Clubs, are printed in this issue.

Equal Rights Debate in the District of Columbia Federation of Women's Clubs

By Anna Kelton Wiley,
President of the District of Columbia
Federation

ON February 19, at a special meeting of the District of Columbia Federation of Women's Clubs, the Division of Industry, Miss Cornelia Hill, Chairman, sponsored a debate on the proposed amendment to the United States Constitution, reading: "Men and women shall have Equal Rights throughout the United States and every place subject to its jurisdiction." Two resolutions before the Federation, laid over from a previous meeting, were the occasion for this debate. One sponsored equal pay for equal work for men and women in the NRA codes, and the other was a request to the General Federation to make the proposed constitutional amendment the subject of its study. The editor of *EQUAL RIGHTS* has very kindly consented to print both sides of this debate at my request.

It will be remembered that in June, 1924, the General Federation at a biennial convention passed the following resolution:

WHEREAS, the General Federation of Women's Clubs has been cooperating in State and national movements for the establishment of political, legal and economic equality between men and women, which movements, since the ratification of the federal suffrage amendment have accomplished eighty-six specific equalizing changes in the laws of thirty States; and

WHEREAS, such inequalities relate largely to the complex relations of men and women in their family life, in industry, and in community responsibilities, where the term equality requires careful definition; therefore be it

Resolved, That the General Federation of Women's Clubs continue to work for the removal of inequalities by specific measures, which shall not be prejudicial to mothers' pension laws, non-support laws, age-of-consent laws, labor laws for women, and other types of social legislation applying to women and not to men, or applying differently to men and women;

Resolved Further, That the General Federation of Women's Clubs continue to oppose blanket legislation for sex equality such as the so-called "equal rights" amendment to the federal constitution, which by its sweeping, indiscriminate character would be likely to bring about serious inequalities instead of the desired equality.

THIS resolution was passed less than a year after the Equal Rights Amendment had been first introduced in Congress on December 10, 1923, before any thought had been given the matter by organizations other than the Woman's Party. By patient research the Woman's Party had unearthed all the various discriminations in the States by a group of lawyers working under the direction of Burnita Shelton Matthews, Chairman of

Legal Research, working in the United States Supreme Court Library. Every constitutional provision, every statute and every court decision bearing upon the position of women had been examined. Before the text of the proposed amendment sprang like Minerva, full-grown from the fertile brain of Alice Paul, for two years the wording of the amendment was submitted to legal authorities of national importance. At one time a draft of the amendment which was considered read: "No political, civil or legal disabilities or inequalities on account of sex, or on account of marriage unless applying alike to both sexes shall exist within the United States or any place subject to their jurisdiction." The Woman's Party had not yet come to the conclusion that welfare legislation for women was incompatible with full equality. We had many legal opinions that the two were not incompatible. But after the Wisconsin Equal Rights bill was passed in June, 1921, with the retention of the welfare provisions and it was found, ironically enough, that this provision worked a hardship on women in excluding them from all positions in the Wisconsin legislature, the Woman's Party, at its convention in November, 1922, came out frankly for the amendment as it now reads: "Men and women shall have Equal Rights throughout the United States and every place subject to its jurisdiction."

THAT none of the large women's organizations in 1924 sponsored the proposed amendment however is obviously no argument against it. When Susan B. Anthony introduced the National Woman Suffrage Amendment in 1878, few women sponsored it, or supported it. However, when the American Association of University Women were asked to oppose the Equal Rights Amendment in 1924, M. Carey Thomas, President-Emeritus of Bryn Mawr, introduced a substitute resolution (carried 299 for, 177 against) to the effect that a woman's Equal Rights amendment (not necessarily this particular amendment) be made the subject of study by the Association, in all its branches, for one year and that during that year no action for or against the amendment be taken. Acting under another resolution, Miss Thomas and Mary Van Kleeck were appointed a committee to present arguments for and against the amendment for consideration of the branches. The subject discussed which was pub-

lished in the A. A. U. W. Journal for March, 1925, was whether Equal Rights for women can best be secured by an amendment to the Constitution of the United States, or by some other method, and also whether the amendment quoted above will best secure Equal Rights for women. The committee of two agreed that this question should be determined on its merits, without regard to the quality or quantity of its opponents; that no great economic and social revolution like women's Equal Rights should be blocked by mere opinion; that the women and men with vision who secured the enfranchisement of women were comparatively few in any country and that, if it could be proved that the economic advancement of working women would be promoted by such an amendment, opposition to it would be overcome.

IN her argument for a woman's Equal Rights amendment to the Constitution of the United States, Miss Thomas said in part:

Forever behind every man in every State of the United States are the rights of man qua man with a final appeal for these rights to the Supreme Court of the United States, while forever behind woman qua woman is the mediæval English common law, if she is married holding her to be her husband's chattel, bound, protected, owned, and, even if she is unmarried, influencing every legal decision about her and controlling unjustly all her life. This to me is the compelling argument for writing an Equal Rights amendment into the Constitution of the United States. Only such an amendment will do away with the present legal stigma of inferiority and bondage. . . .

I believe that the Party is correct in claiming that Equal Rights is the next step forward; that delay is no longer possible; that the interests of special groups of women, however appealing, cannot be permitted to obscure the main issue; and that opportunist mistakes made now may like boomerangs arrest our forward march. The arguments made by many women's organizations against the Equal Rights Amendment favoring state rather than federal action are such a boomerang. . . . The four pamphlets issued by the National League of Women Voters, the National Consumers' League and the National Women's Trade Union League of America against the Equal Rights Amendment ("Equal Rights, Yes, But How?"; "Equal Rights, How Not to Get Them" and "Specific Bills for Specific Ills") seem to me to appeal to a surprising number of out-of-date anti-feminist prejudices. They do not consider whether the results they predict and use as arguments against the amendment are not in themselves admirable and an integral part of the Equal Rights program passionately worked for by women in other countries. It is disappointing to find that opponents of the Equal Rights Amend-

ment seem to have considered it almost exclusively from the angle of protective legislation now in force for working women and to have ignored the need of Equal Rights for all other women who form nine-tenths of all women in the United States.

The American Association of Univer-

sity Women are still studying the question.

With this in mind the District of Columbia Federation of Women's Clubs, on February 19, re-endorsed a resolution passed November 23, 1931, requesting the General Federation of Women's Clubs to

study the proposed amendment. In order to have the subject thoroughly understood, the debate was arranged by Miss Hill, Chairman of Industry. The speaker for the amendment was Rebekah Greathouse; the speaker against, Mrs. William F. Friedman. The two arguments follow.

The Necessity of An Equal Rights Amendment

IT is my conviction that an Equal Rights Amendment is the only way to remove the inequalities which women suffer under the law and that such an amendment is absolutely necessary before women can obtain equality in all walks of life which Susan B. Anthony desired for them.

I have not time to enumerate the many discriminations still remaining in the various States after fourteen years of effort to remove them by women armed with the ballot. I was surprised when I read a pamphlet recently prepared for this organization by Burnita Matthews showing the discriminations in the District of Columbia. We are accustomed to think that the District of Columbia women have almost achieved Equal Rights, but this pamphlet shows there are still many discriminations, some of them very important to the women who might be affected. And when the Inter American Commission prepared codes of the laws affecting women in the various American republics, for use at the Montevideo Conference, the one describing the laws of the United States showed our conditions to be far from the best.

THE argument that inequalities can best be corrected by action of the states loses force with each passing year that the task remains uncompleted. The most striking example in my experience of the ineffectiveness of this effort was a hearing before the Maryland Legislature last year on jury service for women. The Maryland women have been trying for at least eight years to have the legislature pass a law permitting women to serve on juries. Each session has seen more and more women making the demand. In 1933, the presentation of arguments was in charge of Mrs. Whitehurst, Maryland State Chairman of Legislation for the Federation of Women's Clubs. The hearing was marvelously arranged. It was held in the legislative chamber and, although it was supposed to be a committee hearing, most of the members of the legislature were there. Representatives of nearly every woman's club in Maryland were present and spoke. Besides the Federated Women's Clubs there were representatives of the Catholic women, Jewish women, Protestant women, Democratic women, Republican women, Woman's Party, League of Women Voters and various professional groups. A male lawyer from the District of Columbia told of the

The affirmative of the debate on the Equal Rights Amendment, held February 19 in Washington under the auspices of the District of Columbia Federation of Women's Clubs, was supported by Rebekah S. Greathouse. Mrs. Greathouse is a former United States Attorney for the District of Columbia.

satisfaction with the system here and all the speeches were concise and logical. Time was permitted for opposing arguments but there were none. Nevertheless the bill failed of passage.

BUT the main reason that I believe an Equal Rights Amendment should be in the Constitution, is that it is such an entirely suitable amendment. The Constitution as a guarantor of fundamental rights is incomplete without it. As it stands today, the only right guaranteed to women by the Constitution is the right to vote. There are some beautiful phrases in the Constitution, one of them guaranteeing to "all persons" the "equal protection" of the law. We know we are persons and we think that should include us, but the interpretation of the Constitution has given us reason to believe that we are not included in that phrase except to the extent that our rights were protected by the Common Law in 1789—ten years after Blackstone. The Supreme Court has held that this phrase gives to negroes the right to have negroes included in the jury panel, but we have been unable to persuade them to apply the same reasoning to women. In 1848, when Susan B. Anthony launched her great campaign, there were no women lawyers in the United States. Thanks to her and to her followers, women have been admitted to the bar and to the study of law, and have discovered some things about constitutional interpretation that Susan B. Anthony did not know. We know the Constitution means what the Supreme Court says it means, and we know that the Supreme Court says:

The interpretation of the Constitution of the United States is necessarily influenced by the fact that its provisions are framed in the language of the English common law and are to be read in its history. 124 U.S. 478. And

Whether the mode of proceeding was due process of law depends upon the question whether it was in substantial accord with the law and

usage in England before the Declaration of Independence. 163 U.S. 81, 85.

And as late as January, 1930, legislation was sustained as fulfilling the requirement of "due process of law" because of the origin and antiquity of its provisions, based on a custom of London and dating back to colonial days. 280 U.S. 218.

These remarks are not intended as criticism of the Supreme Court. There is no doubt that the justices are selected from the most learned lawyers in the country. They apply a well-established principle of interpretation and apply it to many situations that have nothing to do with the rights of women, such as the right of a State to require a license for a locomotive engineer, the right of deportation of aliens, the seizure of a man's property without personal notice and other things. It has been applied to the rights of women in determining their right to vote before the Nineteenth Amendment, in determining their right to practice law and their right to serve on juries. No doubt it would be applied if a question arose about a woman's property as against a claim of a husband. It makes it necessary to know what rights women had in 1789, and to see to it that others they believe they are entitled to in 1934, shall be guaranteed by Constitutional amendment.

The only argument against the amendment which seems to convince any thinking women is the argument that it would remove the special so-called "protective legislation" for women, laws which limit hours of labor, fix minimum wages, prohibit night work or work in certain industries, or require employers to have seats for women workers.

IT is quite impossible to prove by statistics whether such laws do more harm than good and probably always will be impossible. However, there are certain significant facts which to me are very convincing that they are harmful. First, many, many working women complain against them, saying that these laws deprive them of jobs or compel them to work at more unsuitable jobs and less remunerative jobs than they would otherwise have. Second, these laws certainly give no affirmative help to the women workers. They do not compel employers to give the women jobs at shorter hours—

the employers can always hire boys instead. They do not compel the employer to give higher wages—he can always discharge the employee. They do not compel the employer to give a day-time job to the woman who loses her night job. They do not even compel him to buy chairs, as he can hire boys or men for those jobs, too. In times of prosperity perhaps some of these laws had the effect intended, because men would not work for as small wages as women would, but that is no longer the case. This brings me to the third significant fact, which is, that there is such a great outcropping of these laws just now when everybody wants everybody else's job. This is in itself enough to convince me that many of the people who urge the passage of these laws have other motives than the welfare of the women employed. Labor unions vigorously support such laws but, when the attempt is made to make them apply to men as well as women, the labor unions just as vigorously oppose them. This was pointed out very

strikingly in an article by Vee Terrys Perlman in the New York *Herald Tribune* on January 21, 1934.

In every depression, and this one is no exception, economists are heard to say that women having jobs outside the home, is one of the causes. Some of the economists openly advocate that difficulties should be created to discourage women from holding jobs. They do not reason far enough to see that if the women should all transfer their work to homes, they would materially reduce the field of industry and the number of jobs outside the home.

THE reasons which led to the passage of the Federation of Women's Clubs' resolution against an Equal Rights amendment in 1924 are for the most part non-existent today. The method of correction through state legislatures had not proved successful. Some of the particular legislation which that resolution aimed to save will not be affected by the amendment.

The Viewpoint of the Opposition

I WISH to express my appreciation to Mrs. Wiley for her splendid fairness in arranging for both sides of the question to be heard. Mrs. Wiley's charm and sincerity are such as to win her universal liking and respect. Everyone grants this whether they agree with her or not on this particular subject. No one who knows her can doubt her sincerity, and it is very generous of her, desiring your vote on this question as she does, to invite this discussion; for there are a great many people who disagree with her point of view and believe that it is not only futile, but a wasteful and dangerous way to achieve results that we all desire so much.

When we approach a question on which we are not very well informed, especially when it is an involved and technical question like this one, one of the best ways to judge its merits is by finding out who favors it, and who is against it. The Equal Rights Amendment has been presented to Congress five times since 1923 by the National Woman's Party and whenever it is presented most of the other important women's organizations in the country appear against it. I will read the list opposing at the last hearing, twelve organizations: American Federation of Teachers; American Home Economics Association; Girls' Friendly Society of America; National Board of the Young Women's Christian Association; National Consumers' League; National Council of Jewish Women; National League of Women Voters; National Women's Trade Union League of America; Women's Homeopathic Medical Fraternity; American Federation of Labor; National Federation of Women's Clubs;

Mrs. William F. Friedman supported the negative in the debate on the Equal Rights Amendment held, February 19, by the District of Columbia Federation of Women's Clubs. Mrs. Friedman is a member of the National League of Women Voters, and Chairman of its Legal Status of Women Committee.

and the National Council of Catholic Women. Now the women in these organizations are not old-fashioned, or backward, or unintelligent. There are very real and serious reasons for their objections, and for Congress' continued refusal to act on the amendment. Some of the women who do not approve of this amendment; and who believe that it would harm women, are: Mary Anderson, Woman's Bureau; Grace Abbott, Children's Bureau; Frances Perkins, Secretary of Labor; Dr. Sophonisba Breckinridge, only woman member of the United States Delegation to the Montevideo Conference; and Mrs. Roosevelt, First Lady. There are many others too numerous to mention.

NOW, why in the world should all these people, who have a very great concern for the welfare of women, not approve something so *apparently* reasonable and right as this amendment?

First of all, you must understand that we who oppose this amendment have no quarrel with "Equal Rights." I believe just as passionately as Mrs. Greathouse or Mrs. Wiley ever could in "Equal Rights." Our difference with them is in the method of obtaining "Equal Rights." We have worked and are working to procure laws in each State which will cor-

rect the things that are wrong for women in that State. This process has been going on for one hundred years. The job comes nearer to accomplishment every year, and the discriminations against women grow fewer each year.

So-called mothers' pensions are for the benefit of children and would only need a change of name. And I do not see how the "age of consent" laws would be affected by the amendment. Another argument that was advanced at that time was that social legislation was in its infancy and would have to be applied to women before it could be applied to men. Social legislation is no longer in its infancy and there seems to me no reason why any of the restrictive laws should not apply to men as well as women, thus leaving the employer no choice between improving conditions and discharging the worker. If women need protection along these lines they are more apt to get it if the laws apply to all persons.

In conclusion, let me say that it is my firm belief that if the women of 1789 had been as well educated as they are today, if they had been as articulate as they are today, this Amendment would have been a part of the original Constitution.

Now that is the method we believe is the right way to procure what we all want. We believe just as ardently as the proponents of the amendment in women receiving equal pay with men for equal work; we have fought bitterly to oppose discriminations against women in the NRA codes; we, too, believe in jury service for women. But we do not believe that an amendment to the Constitution will accomplish those rights for women, and least of all an amendment of such vague, indefinite and abstract language.

THE proponents will say to you that the Suffrage Amendment was an example of the method they endorse. But I say there is no comparison. The right of suffrage was a specific, clearly-defined, *single* right, a right which the women of each State could not procure for themselves except by amending each State Constitution. In the case of the proposed amendment, however, the States are not commanded to grant the specific right to do any one thing; it is merely proposed that "men and women shall have Equal Rights." Ah, yes; but what under the law is "Equal Rights"? "Equal Rights" tells the States nothing except that all their laws will have to be made over, and it does not tell them how to do it. "Equal Rights" means something different for every different condition in the lives of men and women. In each case somebody would have to decide what "Equal

Rights" means. This would devolve upon the courts. It would be a long and expensive process to determine what each law is to mean under "Equal Rights," and some eminent lawyers maintain that it would take twenty-five years to clarify the law.

It is the opinion of many of the most eminent jurists that all laws granting social, civil, and industrial rights to women would be invalidated by this amendment—such men as Professors Ernst Freund, Roscoe Pound, and Felix Frankfurter, Justice Sutherland, Dean Acheson, Secretary Ickes, Senator Costigan, and many others. The laws that now regulate the affairs of women, poor women, working women, helpless women, have been passed over a long period of years because there was a need for them. When a law becomes unconstitutional or there is a question about it, it is wiped off the books, it is null and void.

AND who would pay the price of all this nullification? Women, as always, would pay. In the case of support laws, for example—which in practically every State give a wife the right to sue the husband for non-support: The effect of this proposed amendment would have to be to give the husband the right to sue the wife for non-support, or it would *probably* be to destroy the laws granting the woman the right to sue. In either case, there would be legal equality: Either may sue the other, or he can not sue her for support, nor she him. But if you were a woman of forty or fifty with several dependent children, and had never earned a living for yourself, and now, unskilled and untrained, you had to earn it, not only for yourself, but for your children, would you think that a Constitutional Amendment granting you legal identical equality with a man who had deserted you was a good thing?

There are thousands of similar laws which would be destroyed by such an amendment, and women would be the losers. Not so much women like you or me, perhaps, who by our very social and economic status seldom have our lives touched by the law. No, the women who would pay are the women who have been deserted, the women who need Mother's Aid pensions, women on the poverty line—all the women who need the aid of the State in settling difficulties.

Last year I conducted a special study of the countries which have had new constitutions since the World War and have put into them an "Equal Rights" clause. Most of these constitutions state that "no distinction based on sex shall be recognized"—Spain, Austria, Czechoslovakia, Poland, U. S. S. R., to name only a few of the countries. Yet each of these countries has developed special legislation to give women civil, social, and industrial rights. Writing into the Spanish or Po-

lish constitution the concept of Equal Rights was not sufficient. Specific laws for women have had to be passed to give women the right to make a will, the right to keep her own nationality, the right to work under humane conditions, and so forth. If the declaration of Equal Rights in the constitutions of these countries has not brought Equal Rights, but special laws were needed, why should we think a declaration of Equal Rights in our own Constitution would actually bring Equal Rights here?

THE speaker for this Amendment has admitted that the only valid argument against it is, perhaps, that labor laws protecting women in industry would be destroyed. Now the proponents of this Amendment argue that labor laws for women should be made to apply to men also—that these laws should be made to read "all persons" and not "all women." They will tell you that labor laws prohibiting women from working at night or for more than a certain number of hours, have deprived many women of jobs. But the problem of women as industrial workers must not be confused with their problems as women. The problems of women industrial workers must be considered like the problems of any other group of low-paid industrial workers, such as Chinese coolies, or Mexican laborers. Legal equality and industrial or economic equality are not identical things, and economic equality may frequently be destroyed when legal equality is acquired.

Suppose this amendment were passed and the District of Columbia had an eight-hour day for men established through union schedule. We have the eight-hour law for women. Now what would the amendment do? It would not touch the man's eight-hour day, but it might (very probably would) destroy the eight-hour law for women. In that case, men would continue working eight hours, while women could take their choice of working as many hours as employers demanded, or losing their jobs. These women would have legal equality, but they would certainly not have economic equality.

Hence, I say to you that for every woman who has lost a job through special legislation, there are thousands, perhaps millions, who would lose through the destruction of such special laws for women—which would be the effect of this amendment . . .

Moreover, will constitutional amendment always bestow the rights it is meant to bestow? You will recall that after the Civil War several constitutional amendments were passed with the purpose of procuring rights for the negro. To determine just what these constitutional amendments mean, many decisions have been handed down. Mrs. Great-

house has already told you of the Supreme Court decision that it was a violation of constitutional right for negroes to be excluded as negroes from juries. We have here a constitutional amendment granting a right; this has been re-enforced by Supreme Court decision, yet you and I well know that this has not put negroes upon juries. In spite of this, the proponents of the Equal Rights Amendment will tell you that it will automatically give women the right of jury service.

THE danger of choosing the wrong method of accomplishing a given end is clearly shown by the Eighteenth Amendment. You have all seen what a costly experiment that was, how difficult the repeal. Now the repeal of the Eighteenth Amendment does not prove that Prohibition was wrong or that Prohibition was right. It merely shows that a constitutional amendment was the wrong way to attempt to accomplish the desired end.

To repeat: The many organizations which oppose this amendment do not differ from the proponents in wanting Equal Rights; but we do differ from them in that we do not want the legal, identical, mathematical sort of equality implicit in the proposed Constitutional Amendment. We believe, on the other hand, in definite legislation which will bring to women true social, civil, and economic equality. In view of the social, biological, and occupational differences between men and women, we believe that true equality cannot be obtained by insisting that women must have everything men have, just because men have it. The end we should all seek is justice and human happiness and opportunity for development regardless of sex—an end we believe would be seriously jeopardized by the adoption of the proposed Amendment. We are free now to have any kind of law we want. By passing such an Amendment as this we should have accomplished nothing for equality but to put it beyond our power to interpret equality for ourselves.

Conclusion

AT the close of the debate, after both speakers had withdrawn, the members of the Federation had three-quarters of an hour discussion, when the two resolutions referred to by Mrs. Wiley were passed.

It is interesting to note that an open forum on the subject of the proposed Equal Rights Amendment will be held at Hot Springs, Arkansas, on May 23, at the next Council Meeting of the General Federation of Women's Clubs, when both sides of this question will be presented to the delegates gathered there from the forty-eight State federations and the District of Columbia. Burnita Shelton Matthews, Chairman of Legal Research of the National Woman's Party, has been asked to speak for the Amendment.

Equal Nationality Bill (H.R. 3673) Discussed in Congress

By Anita Pollitzer

THE Equal Nationality Bill, which is now before the House of Representatives, and which was favorably reported from the House Immigration and Naturalization Committee, again occupied the center of the stage when it came up on the Consent Calendar for the second time on February 19.

So that the women of the country may know those Members of Congress who are blocking so simple a measure of justice as equality between American men and women in the matter of citizenship for themselves and for their children, we print the following excerpt from the *Congressional Record* of February 19 in regard to this bill:

CONSENT CALENDAR

AMENDMENT OF NATURALIZATION LAW

The Clerk called the next bill on the Consent Calendar, H.R. 3673, to amend the law relative to citizenship and naturalization, and for other purposes.

Mr. JENKINS of Ohio. Mr. Speaker, I ask unanimous consent that that bill be passed over without prejudice.

Mr. DICKSTEIN. Reserving the right to object, that is the same request that was made the last time. The bill was objected to and it now requires three objections. I object to the request.

The SPEAKER pro tempore. Objection is heard. Is there objection to the present consideration of the bill?

Mr. BLANTON. Reserving the right to object, I want to ask a question. This is an enlargement of the Cable Act, is it not?

Mr. DICKSTEIN. It is just giving equalization to women for children born to them. In other words, under the present law a child takes the nationality of the father. This amendment also includes the mother. That child must actually be in the United States, must reside here before the age of 18, and must make declaration.

Mr. BLANTON. Suppose an American marries a woman from a foreign country and she becomes a citizen of the United States, and the husband dies and the woman returns to her foreign country—

Mr. DICKSTEIN. That child is a citizen of the United States.

Mr. BLANTON. But wait, I had not finished. She returns to the foreign country and has children over there. Would they be American citizens?

Mr. DICKSTEIN. This does not apply to that kind of a case at all.

Mr. BLANTON. But this bill makes all of her children American citizens, does it not?

Mr. DICKSTEIN. The distinction between a mother who is an American and a mother who is a foreigner, giving birth to children, is covered in this bill.

Mr. BLANTON. But the question is so plain I am going to ask the gentleman that it merits a plain answer. Suppose an American marries a foreign woman and she becomes a citizen of the United States, and the husband dies, and the widow goes back to her foreign country, still an American citizen, and she marries a foreigner over there and gives birth to a dozen children, they would all be American citizens under this bill, would they not?

Mr. DICKSTEIN. No. They have to come back to the United States and actually have a

fixed domicile and live here before they reach the age of 18.

Mr. BLANTON. Are they treated with the same equality with every other alien?

Mr. DICKSTEIN. Until after they come into the United States and declare their adopted country as the United States.

Mr. BLANTON. Then they do have a right to come over here and make that declaration, do they?

Mr. DICKSTEIN. They must make it before they can be recognized as American citizens.

Mr. BLANTON. Do they have a right over every other alien to make that declaration?

Mr. DICKSTEIN. They have no rights over other aliens.

Mr. BLANTON. They have the same right, and no more, than other aliens have?

Mr. DICKSTEIN. That is correct.

Mr. JENKINS of Ohio. Mr. Speaker, reserving the right to object, I make this reservation in order to make a statement. When the bill was called, I asked unanimous consent that the bill go over without prejudice; but Mr. DICKSTEIN, the chairman of the committee, objected. If the bill had been passed over without prejudice, it could come up again in 2 weeks. I may say to the Democrats on the other side of the Chamber that the office of the Secretary of State is not in favor of this bill. I talked to that office this morning. I was in hopes that somebody on the Democratic side would take it upon himself to ascertain the wishes of the Secretary of State. When the Secretary of State was a Republican, I felt it my duty to ascertain his wishes on those bills that came upon the Consent Calendar.

Mr. BLANTON. Well, if the gentleman can get two objections over there, we can stop this bill.

Mr. Speaker, I object to the bill.

Mr. TABER and Mr. McFADDEN objected. The Clerk called the next bill.

The Congressional Committee of the Woman's Party has lobbied nearly every one of the 431 Members of the House of Representatives this session on the bill. The measure has been favorably reported by the Immigration and Naturalization Committee and is personally supported by the leaders on both sides of the House.

In order for the leaders to translate their pledges into effective action, either a rule must be given, or else the measure must be brought up under suspension of the rules. Since equality in nationality is a principle for which the United States has taken a stand before the world five times, it behooves us at once to make good at home on this point. In March and April of 1930, when the first World Conference for the Codification of International Law was held at The Hague under the auspices of the League of Nations, there was proposed at this Conference a Convention on Nationality which discriminated against women. The United States delegation voted against this discriminatory Convention, and one of the grounds given by the Acting Secretary of State for the opposition of our Gov-

ernment to the Convention was, "We do not in our laws make differences—or make few or relatively unimportant differences—as to rights of men and women in matters of nationality." This statement was issued by the Acting Secretary of State, April 15, 1930.

Following the vote of the United States delegation at The Hague, the House of Representatives, on May 21, 1930, adopted a resolution, introduced by Representative Hamilton Fish of New York, commending the vote of the United States representatives at The Hague against the proposed Nationality Convention discriminating against women. This resolution declared, "It is hereby declared to be the policy of the United States of America that there should be absolute equality for both sexes in nationality, and that in the treaties, law and practice of the United States relating to nationality there should be no distinction based on sex."

The following year, the Secretary of State in a letter, dated June 23, 1931, replying to a League of Nations questionnaire, reaffirmed the opposition of the United States to The Hague Nationality Convention, stating, "It is regretted that, because of the unsatisfactory provisions on two important points—expatriation and the nationality of married women—the Government of the United States was unable to sign the Convention on Nationality." Again, on June 27, 1932, the Secretary of State sent a similar reply on behalf of the United States to another questionnaire from the League of Nations with regard to The Hague Nationality Convention.

And recently has come the great victory for Equal Rights in nationality at Montevideo when, on December 20, 1933, after a brilliant campaign by the Inter American Commission of Women, the United States, along with the other countries represented at the Seventh Pan American Conference, adopted a Treaty declaring, "The contracting parties agree that from the going into effect of this treaty there shall be no distinction based on sex in their law and practice relating to nationality."

Although the United States has thus repeatedly declared to other nations her support of the policy of equality in nationality, she has not, as yet, carried out this policy entirely in her own nationality law. The United States does not yet give a woman the same right as a man to transmit nationality to a child, although the majority of the American Republics give this right to the mother. On a few other minor points, also, the United States nationality law still retains a number of ancient discriminations against

women. It is these that the bill will correct.

In the issue of EQUAL RIGHTS of February 17, an analysis of the bill was given. *Members of the Woman's Party should write at once to their Representa-*

tives in Congress, asking them to insist that the Equal Nationality Bill be brought up for an immediate vote. The bill has been amply discussed and studied. It has had two hearings before the Committee on Immigration and Naturaliza-

tion from which it was favorably reported. If the House of Representatives in this Seventy-third Congress delays action on this measure, it will be a sign that equality and justice to women are not integral parts of the New Deal.

Press Comment

Judge Allen
Ascends Federal
Bench

J. F. Essary in
The Baltimore Sun,
March 7, 1934.

WASHINGTON, March 6. — President Roosevelt placed a woman jurist in line today for appointment to the Supreme Court of the United

States when he nominated Judge Florence E. Allen of Ohio to the vacancy on the Sixth Federal Circuit Court of Appeals.

She will be the first woman to ascend the Federal bench, which is a distinction in itself. But what is more to the point, she is being stepped up at a single stroke of the pen to the very threshold of the highest court itself.

And if she measures up to the duties of the appellate court, as her admirers say she has done in the case of the Supreme Court of Ohio, the belief prevails in the most intimate Roosevelt circles that she will be favorably considered for the highest honor that can come to an American jurist.

She will be considered, it is believed, because of her comparative youth, because of her standing as a lawyer, because of her liberal attitude and, finally, because she is a woman.

This Administration has been the first to elevate a woman to Cabinet rank, and the same Administration, it is suggested today, would welcome the opportunity to be the first to nominate a woman for the Supreme Court.

Ability Knows
No Sex

The New York Times,
February 18, 1934.

SOUTH HADLEY, MASS., Feb. 17. Women's colleges are now turning their attention toward the adaptation of their curricula more nearly to the existing needs of women in contemporary life, according to Miss Kathryn McHale, general director of the American Association of University Women and Professor of Education at Goucher College, who spoke today at the session of the Alumnae Council at Mount Holyoke College.

"There were two veteran issues in the higher education of women for years—the mental equality of women and men and the fitness of women for the professions," Miss McHale said. "It was thought by men, for example, that, in studying science, women would need different apparatus from men and that col-

lege trained women were unfitted for family life.

"These and similar notions have been refuted by conclusive proof that there are no sex differences in abilities or achievement possibilities. Women's colleges helped to prepare this proof by adopting the programs of men's colleges."

"OUTSTANDING COURAGE"

March 5, 1934.

Honorable Doris Bradway,
Wildwood, N. J.

My dear Mrs. Bradway:

It gives me great pleasure to inform you that, at a meeting of the Philadelphia City Branch of the National Woman's Party, held February 13, last, Mrs. Jessie L. Collet, long identified with the Party, presented the following resolution which was received with great enthusiasm and passed unanimously:

"Whereas, the Mayor of Wildwood, N. J., Mrs. Doris Bradway, has by outstanding courage and ability, compelled the CWA of Southern New Jersey to abandon a partisan distribution of jobs, which jobs were given to political adherents of the management of the CWA, while other mayors in the district permitted this injustice, and

"Whereas, her courage and successful efforts reflect great credit on the ability of women in public life, and are a demonstration of the qualities of fidelity, fearlessness, and determination inherent in womankind,

"BE IT RESOLVED, That we, the Philadelphia City Branch of the National Woman's Party, wholeheartedly congratulate Mrs. Bradway on her thorough conception of duty to her fellow citizens, and we trust she may be permitted for long to serve her people in so honorable and responsible a capacity."

Sincerely yours,

Sara B. Cummings,
Chairman.

More Women
Doctors Needed

The Baltimore News,
March 6, 1934.

address to Goucher College students yesterday, he said:

"Women can do certain things better than men. They can, for instance, take better care of the health of the family—and preventive medicine is just scientific care of the family.

"My experience teaches me that women are taking to preventive medicine quicker than men. The greatest protection against disease today is the continuous care of the medical and dental profession, and we need more of the best trained women physicians in this preventive effort."

MEDICINE needs more women physicians, according to Dr. Joseph Colt Bloodgood, noted cancer specialist. In an ad-

At the same time, Dr. Bloodgood also asserted, a need exists for women in laboratory positions, research work and public health.

Memorial Days for
Women Planned

"Billy Bachelor" in
The Baltimore News,
February 15, 1934.

UNTIL the matter was recently brought to our attention by an eager-eyed young person, we had quite overlooked, in our masculine ob-

tuseness, the fact that every birthday celebration and every national holiday was entirely associated with the doughty deeds of some mere man.

Our feminine friends, however, have not been so dilatory, for this ignominious state of things dawned upon them several years ago, and they cast about for that member of their sex most worthy of being the first to be honored through an annual memorial day.

With customary acumen the ladies selected that great pioneer, Susan B. Anthony, and today will be the second time when Miss Anthony's birthday is being commemorated by an annual gathering.

The scene of this evening's celebration and victory dinner will be the Alcazar, and the speakers have been chosen with an eye to making the occasion more than usually notable, the list including Princess Nour Hamada Bey of Beirut; Doris Stevens, famous Feminist; His Honor Mayor Jackson, and Mrs. John L. Whitehurst.

Mrs. Robert H. Walker has the position of toastmistress, for which her experience as a speaker and her delightful sense of humor equip her so effectively.

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